

Attorney's Docket No.: 12552-002001  
Client's Ref. No.: 06447-002-US-1

**OFFICIAL COMMUNICATION****FACSIMILE****FOR THE PERSONAL ATTENTION OF:****EXAMINER BILL DIXON FAX RECEIVED****GROUP 1644 FAX NO: 703-308-4242**

JAN 14 2001

Number of pages including this page 18

**GROUP 1600**

Applicant : McKerracher et al.  
Serial No. : 09/184,572  
Filed : November 2, 1998

Art Unit : 1644  
Examiner : Turner

**FACSIMILE COMMUNICATION**  
Title : RHO FAMILY ANTAGONISTS AND THEIR USE TO BLOCK INHIBITION  
OF NEURITE OUTGROWTH

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Attached to this facsimile communication cover sheet is a Petition to Withdraw Holding of Abandonment, including a copy of the Notice of Abandonment, copies of the response to the Office Action mailed April 20, 2001, Request for Continued Examination (RCE), Petition for a Three-Month Extension of Time, checks, postcard, and the front page of the certified Canadian Application No. 2,214,841 faxed this day of January 11, 2002, to Group 1644, the United States Patent and Trademark Office.

Respectfully submitted,



Stuart Macphail, Ph.D.  
Reg. No. 44,217

Date: January 11, 2002

Fish & Richardson P.C.  
45 Rockefeller Plaza, Suite 2800  
New York, New York 10111  
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NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at (212) 765-5070 to arrange for its return. Thank you.

FISH &amp; RICHARDSON P.C.

PTO/SB/30 (5/2000)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**REQUEST FOR  
CONTINUED EXAMINATION (RCE)**

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/184,572
Filing Date	November 2, 1998
First Named Inventor	McKerracher et al.
Group Art Unit	1644
Examiner Name	S. Turner
Attorney Docket Number	12652-002001

**This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.**

NOTE: 37 C.F.R. §1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. §1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. §1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☒ Amendment/Reply
- ii. ☒ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Petition for Three-Month Extension of Time: Certified copy of Canadian Appln. No. 2,214,841 and a check for \$460

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. §1.17(i) required)
- b. ☐ Other \_\_\_\_\_

**3. Fee** The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 06-1050
- i. ☐ RCE fee required under 37 C.F.R. §1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$370 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

Name (Print/Type)	Stuart Macphail, Ph.D.	Registration No. (Attorney/Agent)	44,217
Signature	<i>Stuart Macphail</i>	Date	10/19/01

**CERTIFICATE OF MAILING OR TRANSMISSION**I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Box RCE, Washington, DC 20231 or facsimile transmitted to the U.S. Patent and Trademark Office on: October 19, 2001

Name (Print/Type)	Gina Maldonado	Date	10/19/01
Signature	<i>Gina Maldonado</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send fees and completed forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/184,572	11/02/1998	LISA MCKERRACHER	99999/MARUSY	4396

7590

12/04/2001

WILLIAM J HONE  
FISH & RICHARDSON  
SUITE 2800  
45 ROCKEFELLER PLAZA  
NEW YORK, NY 10111

12552-002001

EXAMINER

TURNER, SHARON L

ART UNIT

PAPER NUMBER

1647

DATE MAILED: 12/04/2001

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DEC 12 2001

FISH & RICHARDSON, P.C.  
NEW YORK CITY OFFICE

Please find below and/or attached an Office communication concerning this application or proceeding.

BCE filed 10-19-01

Docketed By	Practice Systems
Action	Not of Abandonment - PTO Error
Base Date	12-9-01
Due Date	2-4-02
Deadline	
Initials	J
Record	32990

Docketed By	Billing Secretary
Due Date	
Deadline	
Initials	

**Notice of Abandonment**Application No.  
09/184,572Applicant(s)  
McKerracher et alExaminer  
Sharon L. Turner, Ph.D.Art Unit  
1647

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 4-20-01.
- (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.
- (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☒ No response has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
- (b) ☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed new formal drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- (b) ☐ The proposed new formal drawings filed on \_\_\_\_\_ are not acceptable and the period for reply has expired.
- (c) ☐ No proposed new formal drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

(703) 305-7519

CHRISTINE J. SAOUD  
PRIMARY EXAMINER

*Christine J. Saoud*

Attorney's Docket No. 12552-002001	Express Mail Label No.	Mailing Date October 19, 2001	<b>For PTO Use Only</b> <i>Do Not Mark in This Area</i>
Application No. 09/184,572	Filing Date November 2, 1998	Attorney/Secretary Init SXM/gzm	
Title of the Invention <b>RHO FAMILY ANTAGONISTS AND THEIR USE TO BLOCK INHIBITION OF NEURITE OUTGROWTH</b>			
Applicant McKerracher et al.			
Enclosures - Amendment/Response (7 pages) - Check in the amount of \$460.00 and \$370 - Petition for Extension of Time (3 months) - Other: Request for Continued Examination (RCE) Certified Copy of Canadian Appln. 2,214,841			

**FR FISH & RICHARDSON P.C.**225 Franklin Street  
Boston, Massachusetts  
02110-2804

c 134187

PAY Three hundred seventy and no/100 DOLLARS

TO THE ORDER OF	DATE	AMOUNT
COMMISSIONER OF PATENTS AND TRADEMARKS	10-19-01	370.00

12552-002001

FISH &amp; RICHARDSON P.C.

52-153/112

 **Fleet** FLEET MAINE, N.A.  
SOUTH PORTLAND, MEBY 

⑈134187⑈ ⑆011201539⑆ 80 071 123⑈

**FR FISH & RICHARDSON P.C.**225 Franklin Street  
Boston, Massachusetts  
02110-2804

c 134188

PAY Four hundred sixty and no/100 DOLLARS

TO THE ORDER OF	DATE	AMOUNT
COMMISSIONER OF PATENTS AND TRADEMARKS	10-19-01	460.00

12552-002801

FISH &amp; RICHARDSON P.C.

52-153/112

**Fleet**FLEET MAINE, N.A.  
SOUTH PORTLAND, MEBY [Signature]

⑈ 134188 ⑈ ⑆ 011201539⑆ 80 071 123 ⑈



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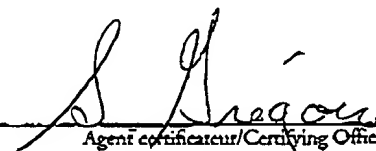
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des brevets*  
Certification

*Canadian Patent  
Office*  
Certification

La présente atteste que les documents  
ci-joints, dont la liste figure ci-dessous,  
sont des copies authentiques des docu-  
ments déposés au Bureau des brevets.

This is to certify that the documents  
attached hereto and identified below are  
true copies of the documents on file in  
the Patent Office.

Specification and Drawings, as originally filed, with Application for Patent Serial No:  
2,214,841, on October 31, 1997, by LISA McKERRACHER, for "Rho Antagonists and  
their Use to Block Inhibition of Neurite Outgrowth".

  
Agent certifieur/Certifying Officer

September 17, 2001

Date

Canada

(CIPO 68)  
01-12-00

OPIC  CIPO